

## **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Crown Cork and Seal Company USA, Inc.
Facility Location:	Crown Cork and Seal Company USA, Inc. 1461 Martinsburg Pike Winchester, VA 22063
Registration Number:	80237
Permit Number:	VRO80237

September 7, 2004  
\_\_\_\_\_  
Effective Date

September 6, 2009  
\_\_\_\_\_  
Expiration Date

R. Bradley Chewning  
\_\_\_\_\_  
Director, Department of Environmental Quality

September 7, 2004  
\_\_\_\_\_  
Signature Date

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## **I. Facility Information**

### **Permittee**

Crown Cork and Seal Company USA, Inc.  
One Crown Way  
Philadelphia, PA 19154

### **Responsible Official**

Frank E. Babic  
Plant Manager

### **Facility**

Crown Cork and Seal Company USA, Inc.  
1461 Martinsburg Pike  
Winchester, VA 22603

### **Contact Person**

Michael Heck  
EHS Coordinator  
540-662-2591

**AIRS Identification Number:** 51-069-0002

**Facility Description:** SIC Code 3411 – Manufacture aluminum can ends

Crown Cork and Seal Company USA, Inc., manufactures aluminum can ends at the Winchester facility. There are three can end lines in the plant. Precoated coils of aluminum stock are fed into a shell press on each line. The shell press punches out aluminum can ends which are then coated with end seal compound. The compound assures a hermetic seal when the can end is joined to the can. After coating the ends go to conversion presses which produce rivets, a score line, and logo embossing. The conversion press also forms the tab. Volatile organic compound emissions (VOC) result from evaporation of solvent in the end seal compound and tab lubricant, and evaporation of organic cleaning solvents.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Process Equipment - Can End Lines							
1	11 Roof Fans (A11)	202 Diameter (Optime) End Line 1 Flow Coating (1995)	450,000 ends/hr	---	---	---	12/27/01
2		202 Diameter (Optime) End Line 2 Flow Coating (1995)	450,000 ends/hr	---	---	---	12/27/01
3		202 Diameter (Optime) End Line 3 Flow Coating (1994)	450,000 ends/hr	---	---	---	12/27/01
5		Miscellaneous Organic Solvent Cleaning	---	---	---	---	---
Process Equipment – Cold Cleaning Machines							
12	11 Roof Fans (A11)	150 Parts Washer	110 gallons	---	---	---	---
13		Machine Shop Parts Washer	7 gallons	---	---	---	---
26		Millwright Shop Parts Washer	20 gallons	---	---	---	---
27		Compound/Drum Room Parts Washer	7 gallons	---	---	---	---

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### **III. Process Equipment Requirements - 202 End Lines (Lines 1, 2, 3)**

#### **A. Limitations**

1. Volatile organic compound emissions (VOC) from lines 1, 2, and 3 end seal compound application shall not exceed 3.1 pounds per gallon of coating excluding water, as applied.  
(9 VAC 5-80-110, 9 VAC 5-40-4030 D and Condition 3 of 12/27/01 Permit)
2. VOC emissions from lines 1, 2, and 3 tab seal use shall not exceed 5.6 pounds per gallon of coating excluding water, as applied.  
(9 VAC 5-80-110 and Condition 4 of 12/27/01 Permit)
3. VOC emissions from the operation of the three (3) 202 diameter end lines (lines 1, 2, and 3) shall not exceed 337 tons per year, calculated monthly as the sum of each consecutive 12 month period.  
(9 VAC 5-80-110 and Condition 5 of 12/27/01 Permit)
4. The permittee shall take reasonable precautions to minimize volatile organic compound emissions from cleaning or purging operations. Reasonable precautions may include the following:
  - a. The use of capture or control devices or both;
  - b. The use of detergents, high pressure water, or other non-volatile cleaning methods;
  - c. The minimization of the quantity of volatile organic compounds used to clean lines of equipment; and
  - d. The adjustment of production schedules to minimize coating changes thereby reducing the need for frequent cleaning or purging of a system.  
(9 VAC 5-80-110 and 9 VAC 5-40-4030 E)
5. VOC emissions from the operation of the three (3) 202 diameter end lines (lines 1, 2, and 3) shall be controlled by the use of water-based or high-solids coatings.  
(9 VAC 5-80-110 and 9 VAC 5-40-4040 D)

6. Visible emissions from each of the three (3) 202 diameter end lines (lines 1, 2, and 3) stack shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-80-110, 9 VAC 5-40-80 and 9 VAC 5-50-80)

## **B. Monitoring and Recordkeeping**

1. The VOC content of each end seal coating and tab lube used shall be determined using EPA Reference Method 24, 40 CFR Part 60, Appendix A. A VOC data sheet per 40 CFR Part 63, Subpart II, Appendix A, from the supplier will suffice in lieu of testing.  
(9 VAC 5-80-110 and Condition 6 of 12/27/01 Permit)
2. The permittee shall monitor and maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to:
  - a. Monthly records of the amount of each end seal coating and tab lube used in gallons on each 202 end line.
  - b. EPA Method 24 results, or VOC data sheet per 40 CFR Part 63, Subpart II, Appendix A, showing the VOC content in lbs/gal for each end seal coating used.
  - c. EPA Method 24 results, or VOC data sheet per 40 CFR Part 63, Subpart II, Appendix A, showing the VOC content in lbs/gal for each tab lube used.
  - d. Monthly calculations of monthly and rolling 12 month VOC emissions to show compliance with Condition III.A.3. Calculations shall assume that the amount of end seal and tab lube VOC used equals the amount of VOC emitted.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and Condition 6 of 12/27/01 Permit)

3. In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment, the permittee shall develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-80-110 and Condition 11 of 12/27/01 Permit)

**C. Testing**

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Method 18
VOC Content	EPA Method 24

(9 VAC 5-80-110)

## **IV. Process Equipment Requirements – Cold Cleaning Machines**

### **A. Limitations**

1. Each cold cleaning machine (Ref. 12, 13, 26, 27) shall be equipped with a control method that will remove, destroy or prevent the discharge into the atmosphere of at least 85% by weight of volatile organic compound emissions. Achievement of this emission standard shall be demonstrated using control methods in Conditions IV.A.2 (9 VAC 5-80-110 and 9 VAC 5-40-3280 C)
2. Each cold cleaning machine (Ref. 12, 13, 26, 27) shall be equipped with the following control methods:
  - a. Covers or enclosed remote reservoirs should be provided. Covers should be designed so that they can be easily operated with one hand. Enclosed remote reservoirs should be designed such that they provide reduction effectiveness equivalent to that of a cover.
  - b. External or internal drainage facilities should be provided to collect and return the solvent to a closed container or a solvent cleaning machine. If solvent volatility is greater than 0.6 pounds per square inch (psi) measured at 100°F, then the drainage facilities should be internal, so that parts are enclosed under the cover while draining. The drainage facilities may be external for applications where an internal type cannot fit into the cleaning system.
  - c. A permanent label, summarizing the operating procedures in Condition IV.B.1, should be placed in a conspicuous location on or near the parts washer.
  - d. If used, the solvent spray should be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing.
  - e. If a solvent volatility is greater than 0.6 pounds per square inch measured at 100°F, or if solvent is heated above 120°F, then the degreaser (if the open area is greater than 20 ft<sup>2</sup>) should be equipped with one of the following vapor control methods:
    - (1) Freeboard ratio that is equal to or greater than 0.7;
    - (2) Water cover (solvent should be insoluble in and heavier than water);
    - (3) Refrigerated chiller (a secondary set of condensing coils operating with a coolant of less than 40°F);



(4) Carbon adsorption system, with ventilation of 50 cfm/ft<sup>2</sup> or greater of air/vapor area (when down-time covers are open), and exhausting less than 25 ppm of solvent by volume averaged over a complete adsorption cycle; or

(5) Any method of equal or greater control efficiency to the methods in Conditions IV.A.2.e (1) through Conditions IV.A.2.e (4), provided such method is approved by the State Air Pollution Control Board.

(9 VAC 5-80-110 and 9 VAC 5-40-3290 C.1)

3. Visible emissions from each cold cleaning machine (Ref. 12, 13, 26, 27) shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A).  
(9 VAC 5-80-110, 9 VAC 5-40-80, 9 VAC 5-50-80 and 9 VAC 5-40-3300)

## **B. Monitoring and Recordkeeping**

1. The following procedures shall be followed when operating each cold cleaning machine (Ref. 12, 13, 26, 27):
  - a. Waste solvent should not be disposed of or transferred to another party, such that greater than 20% of the waste (by weight) can evaporate into the atmosphere. Store waste solvent only in closed containers.
  - b. The degreaser cover should be closed whenever not handling parts in the cleaner. Cleaned parts should drain for at least 15 seconds or until dripping ceases.
  - c. Disposal of waste solvent from solvent metal cleaning operations should be by one of the following methods:
    - (1) Reclamation (either by outside services or in-house).
    - (2) Incineration.

(9 VAC 5-80-110 and 9 VAC 5-40-3290 C.2)

2. The permittee shall monitor and maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Valley Region. These records shall include, but are not limited to:
  - a. Annual throughput of each solvent used in the cold cleaning machines (in gallons) calculated as the sum of each consecutive 12-month period.

- b. Annual quantity of waste solvent recovered from the cold cleaning machines (in gallons) calculated as the sum of each consecutive 12-month period.
- c. Records of disposal methods used for waste solvent from solvent metal cleaning operations.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9 VAC 5-80-110 and 9 VAC 5-40-3370)

### C. Testing

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Method 18
VOC Content	EPA Method 24

(9 VAC 5-80-110)

## **V. Facility Wide Conditions**

### **A. Monitoring and Recordkeeping**

The permittee shall perform the following monitoring and recordkeeping:

1. The VOC content of each organic cleaning solvent used shall be determined and recorded using EPA Reference Method 24, 40 CFR Part 60, Appendix A. A VOC data sheet per 40 CFR Part 63, Subpart II, Appendix A, or MSDS sheet from the supplier will suffice in lieu of testing.
2. Annual records of the amount of each organic cleaning solvent used in the facility in gallons.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

### **B. Testing**

If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC Content	EPA Method 24

(9 VAC 5-80-110)

## VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
6	Natural gas-fired space heaters (3)	9 VAC 5-80-720 C		1.25 MMBtu/hr
7	Natural gas-fired space heaters (4)	9 VAC 5-80-720 C		2.0 MMBtu/hr
8	Natural gas-fired space heaters (1)	9 VAC 5-80-720 C		2.5 MMBtu/hr
9	Natural gas-fired space heaters (2)	9 VAC 5-80-720 C		0.2 MMBtu/hr
10	Natural gas-fired space heater	9 VAC 5-80-720 C		0.5 MMBtu/hr
11	Emergency diesel generator	9 VAC 5-80-720 C		125 HP
14	Isopar C holding tank	9 VAC 5-80-720 B	VOC	120 gallons
15	End sealing compound storage tanks (2)	9 VAC 5-80-720 B	VOC	6,000 gallons each
16	Waste cleaning solvent tank	9 VAC 5-80-720 B	VOC	2,000 gallons
17	Tab lube storage tank	9 VAC 5-80-720 B	VOC	6,000 gallons
18	Diesel storage tank	9 VAC 5-80-720 B	VOC	800 gallons
21	Diesel storage tank	9 VAC 5-80-720 B	VOC	10,000 gallons
22	Solvent storage tank – Isopar C	9 VAC 5-80-720 B	VOC	8,000 gallons
23	Storage tanks (2)	9 VAC 5-80-720 B	VOC	8,000 gallons
24	Coating storage tank	9 VAC 5-80-720 B	VOC	10,000 gallons
25	Propane storage tanks (2)	9 VAC 5-80-720 B	VOC	30,000 gallons 1,000 gallons

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
9 VAC 5-50-410 and 40 CFR Part 60 Subpart WW	New Source Performance Standards for Beverage Can Manufacturing	The standards do not apply to can end manufacturing

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## **VIII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- (1) Exceedance of emissions limitations or operational restrictions;
- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
- (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)



#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, VRO Region, within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Valley Region, by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Valley Region.

(9 VAC 5-20-180 C)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios. (9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege. (9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality. (9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G. (9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. (9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described

in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

#### **Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

#### **R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.

- c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
- 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
  - 4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

## **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A-F)

## **Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Statements for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

## **Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

## **AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

## **BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)